

Court No. - 75

1. Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41492 of 2023

Applicant :- Sushil Yadav

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Ajeet Kumar Singh

Counsel for Opposite Party :- G.A.,Indu Shekhar Tripathi,Intekhab Alam Khan

Alongwith

2. Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41542 of 2023

Applicant :- Kuldeep Yadav

Opposite Party :- State Of U.P.And 3 Others

Counsel for Applicant :- Ajeet Kumar Singh

Counsel for Opposite Party :- G.A.,Indu Shekhar Tripathi,Intekhab Alam Khan

3. Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41555 of 2023

Applicant :- Suraj Yadav

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Ajeet Kumar Singh

Counsel for Opposite Party :- G.A.,Indu Shekhar Tripathi,Intekhab Alam Khan

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned AGA for the State, learned counsel for the informant and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.224 of 2022, under Sections 147, 148, 323, 325, 504, 506, 452, 354B, 427 IPC, Sections 9m/10 POCSO Act and Sections 3(2)(va), 3(1)(s) SC/ST Act, Police Station Gadwar, District Ballia, during the pendency of trial.

3. Learned counsel for the applicants contended that the applicants have been falsely implicated in the present case. No specific role has been assigned to the applicants. It is further contended that though the victim, in her statements recorded under Sections 161 and 164 CrPC, has supported the prosecution version but she has not levelled any allegation regarding sexual assault against the applicants. It is also

submitted that earlier father of the applicant, Suraj Yadav lodged an FIR against the informant and his family members in retaliation to which the informant has also lodged the present FIR after concocting a false and fabricated story to create pressure upon the applicants and their family members. Therefore, it can be said that it is nothing but a counter blast. It is next contended that there is inordinate delay in lodging the FIR for which no plausible explanation has been given by the informant side. It has been further contended that as per medical report the injuries sustained by the informant side are simple in nature. The applicants have no previous criminal history. There is no likelihood of their abscondence or tampering with the evidence. The applicants are in jail since 02.09.2023. In case they are enlarged on bail, they will not misuse the said liberty.

4. Learned AGA and the learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant from the record.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicants - **Sushil Yadav, Kuldeep Yadav and Suraj Yadav**, involved in the aforesaid case be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 8.11.2023
Shahroz/Vinod.